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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590 12/10/2002  
STEVEN J. SHUMAKER  
SHUMAKER & SIEFFER P.A.  
8425 SEASONS PARKWAY  
SUITE 105  
ST. PAUL, MI 55125

EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/808,851	VEILLEUX ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Naresh Vig	3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

This is with reference to the Applicant's response received on 10 September 2002 to the Office Action mailed on 10 May 2002. Amendments to claims 18, 38 – 39 and 45, and, addition of new claims 51 - 74 are acknowledged. There are 74 claims i.e. 1 – 74 are pending for examination.

### ***Response to Arguments***

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

To determine the date for the web pages, applicant can get them from the URL. In case of web pages printed through [www.archive.org](http://www.archive.org), the date format in the URL is in YYYYMMDD.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6, 10, 17 – 21, 28, 36 – 41, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. US Patent 6,058,417 in view of Holub US Patent 6,157,735, and further in view of Liam Gumley's article "IMDSP: An Image Display Program For IDL" hereinafter known as Gumley.

Regarding claims 1, 16 and 36, Hess discloses a method and apparatus for information presentation and management in an online trading environment where person-to-person commerce over the Internet is facilitated by providing prospective buyers the ability to quickly preview items for sale. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site.

Hess does not disclose modifying images for display devices associated with the source clients. Holub discloses a system (method and apparatus) for distributing and controlling color reproduction of input color image data representing one or more pages or page constituents in a network having nodes (or sites). The system distributes the input color image data from one of the nodes to other nodes, and provides a data structure (virtual proof) in the network. Next, the system has means for providing color calibration data at each node characterizing output colors (colorants) of the rendering device of the node, and means for producing at each node, responsive to the color calibration data of the rendering device of the node, information for transforming the input color image data into output color image data at the rendering device of the node. The rendering device of each node renders a color reproduction of the page constituents responsive to the output color image data, wherein colors displayed in the reproduction at the rendering device of each node appear substantially the same within the output colors attainable by the rendering devices. In addition, Gumley disclose IMDSP: An Image Display Program For IDL. Gumley states that "IMDSP It allows you to concentrate on your work, rather than forcing you to worry about mundane issues such as determining the characteristics of the current graphics device, or deciding whether to use decomposed color mode. IMDISP keeps all these operations hidden internally: all you know is your image was displayed correctly". Therefore, it would have been obvious at the time of applicant's invention to a person with ordinary skill in the art to modify images for display devices associated with the source clients images to present the images for remote users as close as possible to the original and minimize customer

complaints. (For example, Eddie Bauer discloses to display products it sells over the internet in plurality of colors. It is known at the time of invention to a person with ordinary skill in the art the user can access internet using Microsoft Windows, Sun Solaris, MAC OS, AIX, HPUX etc.)

Regarding claims 2, 19 and 37 Hess discloses a method and apparatus for information presentation and management in an online trading environment in which person-to-person commerce over the Internet is facilitated by providing prospective buyers the ability to quickly preview items for sale. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site. A user may preview items for sale. Thumbnail images corresponding to items that satisfy the user query are displayed, each of the thumbnail images previously having been created based upon a user-specified image.

Hess does not disclose modifying images for display devices associated with the source clients. Gumley disclose IMDSP: An Image Display Program For IDL. Gumley states that "IMDSP It allows you to concentrate on your work, rather than forcing you to worry about mundane issues such as determining the characteristics of the current graphics device, or deciding whether to use decomposed color mode. IMDISP keeps all

these operations hidden internally: all you know is your image was displayed correctly". Therefore, it would have been obvious at the time of applicant's invention to a person with ordinary skill in the art to modify images for display devices associated with the source clients images to present the images for remote users as close as possible to the original and minimize customer complaints. (For example, Eddie Bauer discloses to display products it sells over the internet in plurality of colors. It is known at the time of invention to a person with ordinary skill in the art the user can access internet using Microsoft Windows, Sun Solaris, MAC OS, AIX, HPUX etc.)

Regarding claims 3, 18 and 38, Hess discloses that in the Web environment, Web browsers reside on clients and render Web documents (pages) served by the Web servers. The client-server model is used to communicate information between clients and servers. Web servers are coupled to the Internet and respond to document requests and/or other queries from Web clients. When a user selects a document by submitting its Uniform Resource Locator (URL), a Web browser, such as Netscape Navigator or Internet Explorer, opens a connection to a server and initiates a request (e.g., an HTTP get) for the document. The server 210 delivers the requested document, typically in the form of a text document coded in a standard markup language such as HTML (col. 4, lines 14 – 27).

Hess does not disclose modifying images at the server. Gumley disclose IMDSP: An Image Display Program For IDL. Gumley does not disclose where IMDSP should be

installed. Therefore, it is up to the solution provider on select the location for installing a product like IMDSP. Therefore, it is known at the time of invention to a person with ordinary skill in the art that a solution provider can install image modification program on the server to manage the accuracy of the contents it provides by making the system a centralized system.

Regarding claims 4, 19 and 39, Hess discloses client-server model for communication. Hess does not disclose to modifying images prior to sending the images to the client. However, it is known at the time of invention that when a user accesses a web page, its contents come from a server. When an image is missing from a web page, a box with "x" is displayed (for example, see sample of archived web pages 28 - 35 from Eddie Bauer). Gumley disclose IMDSP: An Image Display Program For IDL. Gumley does not disclose where IMDSP should be installed. Therefore, it is up to the solution provider to decide whether to modify the image at their server, or, use the capability of the web browser on a client's system to display the image. Therefore, it is known at the time of invention to a person with ordinary skill in the art that a solution provider can modify the image on a server to manage the accuracy of the contents it provides by making the system a centralized system.



Regarding claims 5, 20 and 40, Hess discloses a person-to-person commerce over the Internet by providing prospective buyers the ability to quickly preview items for sale in an online trading environment, such as an online shopping site, an online auctioning site, an online e-commerce site, an online person-to-person trading site, or the like. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site. To sell an item on an online commerce site, the seller first registers the item to be sold, and supplies information about the item so that the information may be presented to prospective purchasers responsive to their requests and/or queries.

Neither Hess nor Holub disclose the source clients include auction sellers, the images represent auction items, and the destination clients include auction buyers. However, it is obvious that on an online auction site source clients include auction sellers, the images represent auction items, and the destination clients include auction buyers. For example, on Ebay, auction sellers sell their product, their product listing has the information about their listed product where some listings may include image of the product, and the auction buyer (bidder) places bids for the product.

Regarding claims 6, 21, 41, Hess discloses that images are based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Hess does not disclose source clients (sellers) to include photographers. However, neither Hess nor Holub disclose who can use the system. Therefore, it is inherent that the sellers can be of various professions (for example, a doctor, an engineer, cashier, photographer, an artist etc.)

Also, neither Hess nor Holub disclose that images represents photographs taken by a photographer. However, it is well known to a person with ordinary skill in the art that the online auction sellers are known to provide the digital image of the items they want to sell (For example, a seller scans a photograph, or, uses a digital camera (readily available at the time of applicant's invention) to create a digital image of the item.) to be viewed by potential purchasers; to decrease potential purchaser's item enquiry calls; and also to save on cost of getting the picture taken by a professional photographer and increase profit margin.

Regarding claims 10, 28 and 46, Hess discloses to communicate information between clients and servers. Web servers are coupled to the Internet and respond to document requests and/or other queries from Web clients. When a user selects a document by submitting its Uniform Resource Locator (URL), a Web browser, such as Netscape Navigator or Internet Explorer, opens a connection to a server and initiates a

request (e.g., an HTTP get) for the document. In Figs 9A – 9B Hess discloses the image to be part of the web page.

Claims 7 – 9, 22 – 27, 35 and 42 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. US Patent 6,058,417 in view of Holub US Patent 6,157,735, and further in view of Liam Gumley's article "IMDSP: An Image Display Program For IDL" hereinafter known as Gumley, Microsoft Corporation's Microsoft Windows hereinafter known as Microsoft and Information Bulletin from Computer Incident Advisory Capability hereinafter known as CIAC.

Regarding claims 7 – 9, 22 – 27 and 42 – 45, Hess does not disclose calibration. Holub discloses to provide a system for distributing and controlling color reproduction in a network of nodes which provides each node with information needed for rendering transformations of color image data in response to both color calibration data and user color preferences. Holub discloses a method of how it calibrates its system. It is obvious to a person with ordinary skill in the art that a product provider will design their own process to calibrate their product. In addition, Microsoft discloses to allows users to calibrate their display. Application running on Microsoft adhere to the user preferred calibration of their devices (possible in user's computer system e.g. VGA, XGA, VGA etc. types of display capability). Therefore, it would have been obvious to a person with

ordinary skill in the art to calibrate the system to properly provide the information on user's display.

Neither Hess nor Holub disclose to estimate display parameters. Microsoft disclose to estimate VGA mode (480x640, 256 colors, mode used when system is started in safe mode) as a setting for display device. User is allowed to change the display resolution to their preference. Microsoft stores user preference of display resolution in the system to set the display resolution to user selected preference every time user's computer restarts. Therefore it is known at the time of invention to a person with ordinary skill in the art to estimate display preference to use as a starting point to fine tune the settings.

Neither Hess nor Holub disclose using cookies. CIAC discloses that Cookies are short pieces of data used by web servers to help identify web users. For example, an Internet shopping site uses a cookie to keep track of which shopping basket belongs to you. When a browser sends a request to a server, it includes its IP address, the type of browser you are using, and the operating system of your computer. Another use of cookies is to create customized home pages. Therefore, it is known at the time on invention to a person with ordinary skill in the art to use cookies to identify users and their internet access system.

Hess does not disclose to modifying images prior to sending the images to the client. However, it is known at the time of invention that when a user accesses a web page, its contents come from a server. When an image is missing from a web page, a box with "x" is displayed (for example, see sample of archived web pages 28 - 35 from

Eddie Bauer). Gumley disclose IMDSP: An Image Display Program For IDL. Gumley does not disclose where IMDSP should be installed. Therefore, it is up to the solution provider to decide whether to modify the image at their server, or, use the capability of the web browser on a client's system to display the image. Therefore, it is known at the time of invention to a person with ordinary skill in the art that a solution provider can modify the image on a server to manage the accuracy of the contents it provides by making the system a centralized system.

Regarding claim 35, Hess discloses a data storage device such as a magnetic disk or optical disc and its corresponding drive may also be coupled to computer system for storing information and instructions, and, a communication device for accessing remote servers via the Internet, for example. The communication device may include a modem, a network interface card, or other commercially available network interface devices, such as those used for coupling to an Ethernet, token ring, or other type of network.

Claims 11 – 15, 29 – 34, 47 – 50 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. US Patent 6,058,417 in view of Holub US Patent 6,157,735, and further in view of Liam Gumley's article "IMDSP: An Image Display

Program For IDL" hereinafter known as Gumley, Feinberg US Patent 6,366,891  
hereinafter known as Feinberg and eBay, Inc. hereinafter known as eBay.

Regarding claims 11 – 15, 29 – 34, 47 – 50 and 74, neither Hess nor Holub disclose to calculate or charge fees to the user for using the system. Feinberg discloses a data processing system that can be used to conduct a modified auction (abstract). The bidders who did not win the auction only paid a small fee to purchase the right to bid (buyer charged fee to use the system, col. 9, lines 18 – 21). A service providing computer system can charge a fee as a percentage of the seller's proceeds (seller charged fee to use the system), or can charge a set fee. In addition, Feinberg discloses an example for calculating fee. In addition, Ebay discloses system and method for auction and charging fee to the seller based upon the selling price of the product. Ebay charges seller for listing the product and also a percentage of the final sold price as fee to the seller for using the system. Therefore, it is known at the time of invention to a person with ordinary skill in the art to charge fees to the user to keep the system operational and generate profit. (For example, Photo Hosting Service from Web space providers like Pongo, Twaze, PixHost etc. may charge fee to their subscribers according to the agreed upon terms, online banking service providers charge fees to customers to write checks over the internet).

Charging fee to the customers after their agreement for being charged for using the service has been in practice for a long time. For example, banks charge fee to their customer for stop payment on a check, Internet Service Providers (ISP) may charge fee

to their customers if they access the system through toll-free exchange, calling card companies charge connection fees for connecting a call etc. Therefore, it would have been obvious to a person with ordinary skill in the art to charge the fee to their customers upon their approval to minimize complains from their customers.

Neither Hess not Holub disclose the source clients include auction sellers, the images represent auction items, and the destination clients include auction buyers. However, it is obvious that on an online auction site source clients include auction sellers, the images represent auction items, and the destination clients include auction buyers.

Claims 51 – 54, 59 – 62 and 68 – 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. US Patent 6,058,417 in view of Holub US Patent 6,157,735, and further in view of Liam Gumley's article "IMDSP: An Image Display Program For IDL" hereinafter known as Gumley, Microsoft Corporation's Microsoft Windows hereinafter known as Microsoft and Information Bulletin from Computer Incident Advisory Capability hereinafter known as CIAC.

Regarding claims 51, 59 and 68, Hess discloses a method and apparatus for information presentation and management in an online trading environment where person-to-person commerce over the Internet is facilitated by providing prospective

buyers the ability to quickly preview items for sale. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site.

Hess does not disclose modifying images for display devices associated with the source clients. Holub discloses a system (method and apparatus) for distributing and controlling color reproduction of input color image data representing one or more pages or page constituents in a network having nodes (or sites). The system distributes the input color image data from one of the nodes to other nodes, and provides a data structure (virtual proof) in the network. Next, the system has means for providing color calibration data at each node characterizing output colors (colorants) of the rendering device of the node, and means for producing at each node, responsive to the color calibration data of the rendering device of the node, information for transforming the input color image data into output color image data at the rendering device of the node. The rendering device of each node renders a color reproduction of the page constituents responsive to the output color image data, wherein colors displayed in the reproduction at the rendering device of each node appear substantially the same within the output colors attainable by the rendering devices. In addition, Gumley disclose IMDSP: An Image Display Program For IDL. Gumley states that "IMDSP It allows you to concentrate on your work, rather than forcing you to worry about mundane issues such



as determining the characteristics of the current graphics device, or deciding whether to use decomposed color mode. IMDISP keeps all these operations hidden internally: all you know is your image was displayed correctly". Therefore, it would have been obvious at the time of applicant's invention to a person with ordinary skill in the art to modify images for display devices associated with the source clients images to present the images for remote users as close as possible to the original and minimize customer complaints. (For example, Eddie Bauer discloses to display products it sells over the internet in plurality of colors. It is known at the time of invention to a person with ordinary skill in the art the user can access internet using Microsoft Windows, Sun Solaris, MAC OS, AIX, HPUNIX etc.).

Hess discloses that in the Web environment, Web browsers reside on clients and render Web documents (pages) served by the Web servers. The client-server model is used to communicate information between clients and servers. Web servers are coupled to the Internet and respond to document requests and/or other queries from Web clients. When a user selects a document by submitting its Uniform Resource Locator (URL), a Web browser, such as Netscape Navigator or Internet Explorer, opens a connection to a server and initiates a request (e.g., an HTTP get) for the document. The server 210 delivers the requested document, typically in the form of a text document coded in a standard markup language such as HTML (col. 4, lines 14 – 27).

Hess does not disclose modifying images at the server. Gumley disclose IMDSP: An Image Display Program For IDL. Gumley does not disclose where IMDSP should be installed. Therefore, it is up to the solution provider on select the location for installing a

product like IMDSP. Therefore, it is known at the time of invention to a person with ordinary skill in the art that a solution provider can install image modification program on the server to manage the accuracy of the contents it provides by making the system a centralized system.

Hess does not disclose calibration. Holub discloses to provide a system for distributing and controlling color reproduction in a network of nodes which provides each node with information needed for rendering transformations of color image data in response to both color calibration data and user color preferences. Holub discloses a method of how it calibrates its system. It is obvious to a person with ordinary skill in the art that a product provider will design their own process to calibrate their product. In addition, Microsoft discloses to allows users to calibrate their display. Application running on Microsoft adhere to the user preferred calibration of their devices (possible in user's computer system e.g. VGA, XGA, VGA etc. types of display capability). Therefore, it would have been obvious to a person with ordinary skill in the art to calibrate the system to properly provide the information on user's display.

Regarding claims 52, 60 and 69 Hess discloses a method and apparatus for information presentation and management in an online trading environment in which person-to-person commerce over the Internet is facilitated by providing prospective buyers the ability to quickly preview items for sale. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes

descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site. A user may preview items for sale. Thumbnail images corresponding to items that satisfy the user query are displayed, each of the thumbnail images previously having been created based upon a user-specified image.

Hess does not disclose modifying images for display devices associated with the source clients. Gumley disclose IMDSP: An Image Display Program For IDL. Gumley states that "IMDSP It allows you to concentrate on your work, rather than forcing you to worry about mundane issues such as determining the characteristics of the current graphics device, or deciding whether to use decomposed color mode. IMDISP keeps all these operations hidden internally: all you know is your image was displayed correctly". Therefore, it would have been obvious at the time of applicant's invention to a person with ordinary skill in the art to modify images for display devices associated with the source clients images to present the images for remote users as close as possible to the original and minimize customer complaints. (For example, Eddie Bauer discloses to display products it sells over the internet in plurality of colors. It is known at the time of invention to a person with ordinary skill in the art the user can access internet using Microsoft Windows, Sun Solaris, MAC OS, AIX, HPUX etc.)

Regarding claims 53, 61 and 70, Hess discloses a person-to-person commerce over the Internet by providing prospective buyers the ability to quickly preview items for sale in an online trading environment, such as an online shopping site, an online auctioning site, an online e-commerce site, an online person-to-person trading site, or the like. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site. To sell an item on an online commerce site, the seller first registers the item to be sold, and supplies information about the item so that the information may be presented to prospective purchasers responsive to their requests and/or queries.

Neither Hess nor Holub disclose the source clients include auction sellers, the images represent auction items, and the destination clients include auction buyers. However, it is obvious that on an online auction site source clients include auction sellers, the images represent auction items, and the destination clients include auction buyers. For example, on Ebay, auction sellers sell their product, their product listing has the information about their listed product where some listings may include image of the product, and the auction buyer (bidder) places bids for the product.

Regarding claims 54, 62, 71, Hess discloses that images are based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Hess does not disclose source clients (sellers) to include photographers. However, neither Hess nor Holub disclose who can use the system. Therefore, it is inherent that the sellers can be of various professions (for example, a doctor, an engineer, cashier, photographer, an artist etc.)

Also, neither Hess nor Holub disclose that images represents photographs taken by a photographer. However, it is well known to a person with ordinary skill in the art that the online auction sellers are known to provide the digital image of the items they want to sell (For example, a seller scans a photograph, or, uses a digital camera (readily available at the time of applicant's invention) to create a digital image of the item.) to be viewed by potential purchasers; to decrease potential purchaser's item enquiry calls; and also to save on cost of getting the picture taken by a professional photographer and increase profit margin.

Claims 55 – 56, 63 – 64 and 72 – 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. US Patent 6,058,417 in view of Holub US Patent 6,157,735, and further in view of Liam Gumley's article "IMDSP: An Image Display Program For IDL" hereinafter known as Gumley, Microsoft Corporation's Microsoft

Windows hereinafter known as Microsoft and Information Bulletin from Computer Incident Advisory Capability hereinafter known as CIAC.

Regarding claims 55 – 56, 63 – 64 and 72 – 73, Hess does not disclose calibration. Holub discloses to provide a system for distributing and controlling color reproduction in a network of nodes which provides each node with information needed for rendering transformations of color image data in response to both color calibration data and user color preferences. Holub discloses a method of how it calibrates its system. It is obvious to a person with ordinary skill in the art that a product provider will design their own process to calibrate their product. In addition, Microsoft discloses to allows users to calibrate their display. Application running on Microsoft adhere to the user preferred calibration of their devices (possible in user's computer system e.g. VGA, XGA, VGA etc. types of display capability). Therefore, it would have been obvious to a person with ordinary skill in the art to calibrate the system to properly provide the information on user's display.

Neither Hess nor Holub disclose using cookies. CIAC discloses that Cookies are short pieces of data used by web servers to help identify web users. For example, an Internet shopping site uses a cookie to keep track of which shopping basket belongs to you. When a browser sends a request to a server, it includes its IP address, the type of browser you are using, and the operating system of your computer. Another use of cookies is to create customized home pages. Therefore, it is known at the time on

invention to a person with ordinary skill in the art to use cookies to identify users and their internet access system.

Regarding claims 56, 64 and 73, Hess discloses to communicate information between clients and servers. Web servers are coupled to the Internet and respond to document requests and/or other queries from Web clients. When a user selects a document by submitting its Uniform Resource Locator (URL), a Web browser, such as Netscape Navigator or Internet Explorer, opens a connection to a server and initiates a request (e.g., an HTTP get) for the document. In Figs 9A – 9B Hess discloses the image to be part of the web page.

Claims 57 – 58 and 66 – 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. US Patent 6,058,417 in view of Holub US Patent 6,157,735, and further in view of Liam Gumley's article "IMDSP: An Image Display Program For IDL" hereinafter known as Gumley, Feinberg US Patent 6,366,891 hereinafter known as Feinberg and eBay, Inc. hereinafter known as eBay.

Regarding claims 57 – 58 and 66 – 67, neither Hess nor Holub disclose to calculate or charge fees to the user for using the system. Feinberg discloses a data

processing system that can be used to conduct a modified auction (abstract). The bidders who did not win the auction only paid a small fee to purchase the right to bid (buyer charged fee to use the system, col. 9, lines 18 – 21). A service providing computer system can charge a fee as a percentage of the seller's proceeds (seller charged fee to use the system), or can charge a set fee. In addition, Feinberg discloses an example for calculating fee. In addition, Ebay is known to charge the seller for using Ebay's system to sell their products. Ebay charges seller for listing the product and also a percentage of the final sold price as fee to the seller for using the system. Therefore, it is known at the time of invention to a person with ordinary skill in the art to charge fees to the user to keep the system operational and generate profit. (For example, Photo Hosting Service from Web space providers like Pongo, Twaze, PixHost etc. may charge fee to their subscribers according to the agreed upon terms, online banking service providers charge fees to customers to write checks over the internet).

Charging fee to the customers after their agreement for being charged for using the service has been in practice for a long time. For example, banks charge fee to their customer for stop payment on a check, Internet Service Providers (ISP) may charge fee to their customers if they access the system through toll-free exchange, calling card companies charge connection fees for connecting a call etc. Therefore, it would have been obvious to a person with ordinary skill in the art to charge the fee to their customers upon their approval to minimize complains from their customers.



**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

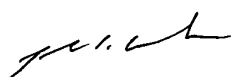
1. Smith et al. US Patent 6,031,623
2. Bursell et al. US Patent 5,993,001
3. Brett, US Patent 6,016,167
4. Information on Eddie Bauer, Inc.
5. A Browser Based Image Bank, Useful Tool For Expensive Toy

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

December 4, 2002

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**